

Summary

The interpretation of religious freedom in European and international decision - making practice

This diploma thesis focuses on the system of protection of religious freedoms in European and international legislation and explores its interpretation in the decision-making practice of the European Court of Human Rights and the United Nations Human Rights Committee. In recent years, the protection of religious minorities has become a topical issue, giving rise to numerous international judicial decisions. The core of the thesis provides a comprehensive analysis of some of these decisions.

The aim of the thesis is to examine the importance international judicial bodies attribute to the protection of religious freedoms in relation to the system of the protection of fundamental human rights. It also discusses conditions and situations in which the exercise of these fundamental rights can be limited without encroaching upon fundamental freedoms of an individual. The introduction provides a definition of the term religion and describes its interpretation in specialized literature. The second chapter looks at the historical development of the protection of religious freedoms, its individual components and the modern concept of religious freedom laid down by international treaties/conventions on human rights and religious freedoms protection.

The third chapter analyses European human rights legislation on a national and international level, such as embedded in the United Nations legislation. This chapter is dedicated mainly to an analysis of the Article No. 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms and the Article No. 18 of the International Covenant on Civil and Political Rights. It also deals with the protection of religious minorities within the EU, based on the EU Charter of Fundamental Rights and regulated by the Organisation for Security and Cooperation in Europe.

The last chapter discusses decisions concerning religious freedom issued by international courts. Its subchapters describe three selected levels of religious freedom, that is collective freedoms guaranteed to religious communities, the right of a child to education in accordance with religious or philosophical beliefs of his/her parents and the right to protection of religious freedoms in industrial relations.

